IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 266 of 2005

Between:

Hemanth Vasanth Joshi, S/o. Vasanth Joshi,
R/o.10-5-2/1/2, Masab Tank, Hyderabad.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority,
Central Zone, Hyderabad.
2 Asst. Motor Vehicle Inspector, RTA Central Zone, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any writ or order, direction more particularly one in the nature of writ of Mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No. DL 3 C 2828 vide Vehicle Check Report No. 2603831, dt. 20-11-2004 as illegal arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No DL 3 C 2828 to the petitioner herein and to pass such other order or orders

Counsel for the Petitioner:MR.B.CHANDRA SHEKHAR

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following Order:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No. DL 3C 2828 vide check report No.2603831 dated 20.11.2004 as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized on 20.11.2004 by the 2nd respondent for non production of registration certificate; driving licence and Insurance coverage at the time of check.

Learned counsel for the petitioner contended that as the petitioner has been transferred to Hyderabad recently and after getting No Objection Certificate from Delhi, the petitioner has to pay entire life tax. He further contended that as per the provisions of the Motor Vehicles Act, within one year, the petitioner is entitled to register the vehicle in the State of Andhra Pradesh. He further contended that the vehicle is lying idle and it is being exposed to sun and rain and if it remains like that, it is likely to be damaged and therefore, he prays to direct the respondents to release the vehicle.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondents to grant interim custody of the vehicle to the petitioner subject to the conditions that the petitioner shall not alienate, sell, encumber or transfer the vehicle in question in favour of third parties pending enquiry before the 1st respondent and that he shall produce the vehicle as and when required by the respondent-authorities in the course of enquiry and investigation and that the petitioner shall deposit the tax due if any.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

19.01.2005

Note:CC by tomorrow

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To

1 The Secretary, Regional Transport Authority,
Central Zone, Hyderabad.

2 The Assistant Motor Vehicle Inspector, RTA Central Zone, Hyderabad.

3. Two CCs to G.P. for Transport, A.P.High Court Buildings, Hyderabad (OUT).

4. Two CD copies.